

Michelle Hartmann
State Bar No. 24032402
BAKER & McKENZIE LLP
1900 North Pearl, Suite 1500
Dallas, TX 75201
Telephone: 214-978-3000
Facsimile: 214-978-3099
Email: michelle.hartmann@bakermckenzie.com

Debra A. Dandeneau (admitted *pro hac vice*)
BAKER & McKENZIE LLP
452 Fifth Avenue
New York, NY 10018
Tel: 212-626-4100
Fax: 212 310-1600
Email: debra.dandeneau@bakermckenzie.com

Counsel for Scott Ellington

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

**DECLARATION OF MICHELLE HARTMANN IN SUPPORT OF
ELLINGTON'S RESPONSE IN OPPOSITION TO
THE JOINT MOTION OF HIGHLAND CAPITAL MANAGEMENT, L.P.,
HIGHLAND CLAIMANT TRUST, AND JAMES P. SEERY, JR. FOR AN
ORDER REQUIRING ELLINGTON AND HIS COUNSEL TO SHOW
CAUSE WHY THEY SHOULD NOT BE HELD IN CIVIL CONTEMPT FOR
VIOLATING THE GATEKEEPER PROVISION AND GATEKEEPER ORDERS**

I, Michelle Hartmann, declare as follows:

1. I am a partner at Baker & McKenzie LLP. I am over the age of eighteen and fully competent, qualified and authorized to make this Declaration. I represent Scott Byron Ellington ("***Ellington***") for the purposes of responding to the *Joint Motion for an Order Requiring Ellington and His Counsel to Show Cause Why They Should Not Be Held in Civil Contempt for Violating*

the Gatekeeper Provision and Gatekeeper Orders (the “***Motion for Contempt***”), and I submit this Declaration in support of Ellington’s Response in Opposition to the Motion for Contempt, which is being filed concurrently with this Declaration. I submit this Declaration based on my personal knowledge and review of the documents listed below.

2. On January 11, 2022, Ellington filed a petition in the 101st Judicial District Court in Dallas County, Texas against Patrick Daugherty, seeking damages and a permanent injunction after Ellington and other individuals closely associated with Ellington were repeatedly stalked and harassed by Daugherty (the “***State Court Action***”). The State Court Action is captioned *Scott Byron Ellington v. Patrick Daugherty*, Cause No. DC-22-00304. I do not represent Ellington in the State Court Action.

3. Attached as **Exhibit 1** is a true and correct copy of certain documents produced by Patrick Daugherty in the state court case captioned *Scott Byron Ellington v. Patrick Daugherty*, Cause No. DC-22-00304, pending in the 101st Judicial District Court in Dallas County, Texas (the “***State Court Action***”), bates labeled DEF0000236-247.

4. Attached as **Exhibit 2** is a true and correct copy of excerpts from the transcript of Patrick Daugherty’s deposition in the State Court Action, dated July 14, 2022.

5. Attached as **Exhibit 3** is a true and correct copy of the transcript of the temporary injunction hearing conducted in the State Court Action on September 1, 2022.

6. Attached as **Exhibit 4** is a true and correct copy of Hon. Russell F. Nelms’s Non-Party Motion for Protection in the State Court Action and the exhibits filed therewith, filed with the State Court on September 15, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 24, 2023 in Dallas, Texas.

/s/ Michelle Hartmann

Michelle Hartmann

Signed: October 24, 2023

By: /s/ Michelle Hartmann
BAKER & MCKENZIE LLP
Michelle Hartmann
State Bar No. 24032402
1900 North Pearl, Suite 1500
Dallas, Texas 75201
Telephone: 214-978-3000
Facsimile: 214-978-3099
Email: michelle.hartmann@bakermckenzie.com

Debra A. Dandeneau (admitted *pro hac vice*)
452 Fifth Ave
New York, NY 10018
Telephone: 212-626-4875
Email: debra.dandeneau@bakermckenzie.com

Counsel for Scott Ellington

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 24, 2023, a true and correct copy of this document was served via the Court's CM/ECF system to the parties that have requested or consented to such service.

/s/ Michelle Hartmann
Michelle Hartmann